

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JIM HARRIS, JR.**

**APPELLANT,**

**v.  
IAN WALLACE, ET AL.**

**RESPONDENT.**

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DOCKET NUMBER WD78256

DATE: March 28, 2017

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Appeal From:

Cole County Circuit Court  
The Honorable Daniel R. Green, Judge

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Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Victor C. Howard, Judge and Gary D. Witt, Judge

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Attorneys:

Jim Harris, Appellant Pro Se.

Andrew T. Bailey and Stephen D. Hawke, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JIM HARRIS, JR.,**

**APPELLANT,**

**v.**

**IAN WALLACE, ET AL.,**

**RESPONDENT.**

No. WD78256

Cole County

Before Division Three: Karen King Mitchell, Presiding Judge, Victor C. Howard, Judge and Gary D. Witt, Judge

Jim Harris, Jr. ("Harris") appeals from a judgment granting Warden Ian Wallace's summary judgment motion, finding that the Missouri Department of Corrections correctly calculated and awarded Harris jail time credit.

**WE DISMISS THE APPEAL**

**Division Three holds:**

The notice of appeal filing deadline for Harris was on or before March 13, 2015. Under Rule 81.04(e), the date a notice of appeal is received is only effective if the notice is accompanied by a docket fee, a statement citing specific statutory or other authority demonstrating a docket fee is not required by law, or a motion to prosecute the appeal *in forma pauperis*. Harris's notice of appeal, accompanied with the motion to prosecute the appeal *in forma pauperis* was filed on May 6, 2015, 54 days too late. The appeal is dismissed.

Opinion by Gary D. Witt, Judge

March 28, 2017

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